

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Luz Maria Camacho et al.

Confirmation No. 4973

Serial No.: 09/801,468

Examiner: Brown, Christopher J.
Art Unit: 2134

Filed: March 7, 2001

Atty. Docket No. 010942-0269936
AWT-003

For: Method and Apparatus for Reducing On-Line Fraud Using Personal Digital
Identification

Submitted electronically via EFS on February 6, 2007.

SUPPLEMENTAL REPLY BRIEF

Mail Stop APPEAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper replies to the Examiner's Supplemental Answer mailed December 8, 2006, for which a supplemental reply brief is due February 8, 2007 according to 37 CFR 41.43(b).

Applicant claims small entity status, see 37 CFR 1.27. The Commissioner is authorized to charge any required fee to Pillsbury Winthrop Shaw Pittman LLP's deposit account no. 03-3975 (order no. 010942-0269936).

THE EXAMINER'S ANSWER DOES NOT ADDRESS APPLICANT'S REPLY

The Examiner's "supplemental" Answer mailed December 8, 2006 is word-for-word identical to the Answer mailed August 8, 2006. Thus, the Examiner's "supplemental" Answer did not address the numerous points raised in Applicant's reply brief mailed September 25, 2006. These points included, inter alia:

- The Examiner's rejections rely on reducing the invention to a "gist" and rewriting or ignoring explicit claim limitations. For example, the claims require, inter alia, (1) storing rules for a plurality of companies having on-line resources, (2) identifying a company associated with a requested resource, and (3) retrieving rules for the identified company. These three steps are simply not performed by Pereira's system at all. At best, Pereira stores company information associated with a user, identifies a company associated with a user who is requesting an object, then retrieves access rules for that user. The clear and distinct limitations of the claims are not met just because Pereira teaches associating a user's company with the user as one item of information.
- The claim limitation "wherein the step of determining whether the request requires authentication includes determining whether stored business rules for the identified company associated with the requested on-line resource indicates that authentication for the user is required" is not met at all by the alleged combination of Pereira and Viavant. The Examiner's position is that Pereira teaches granting access to an object with rules that identify a company, and that Viavant teaches authentication. However, the invention as a whole set forth in the claims requires storing business rules that allow a particular company from among a plurality of companies to specify how and when authentication is required for its on-line resources requested by users. This is much more than just a combination of a system for one company that stores access rules for users and another system for performing authentication for users.
- The Examiner mis-characterizes Pereira's teachings by asserting that Pereira's "database has the attribute of 'company' and in the example provided, gives user 3 conditional Read-Only access to Company A objects." This is unsupported and hypothetical. There is no statement in Pereira that the database contains objects from more than one company such as "Company A objects." Pereira does disclose that access can be controlled for

groups of objects in the same database. However, there is no suggestion that anyone other than the single company whose database is made available to others via the Extranet can control access to objects in the database. At best, Pereira allows access to groups of objects in a database to be controlled for users based on a company the users are associated with.

- The Examiner's Answer implicitly admits that the prior art does not disclose storing a user's historical authentication patterns as required by claims 2, 21 and 40. Ignoring the clear claim language, however, the Examiner's Answer states that "the term 'the user's historical authentication patterns' is not used before the claim argued. Without context and interpreted broadest reasonable interpretation, a historical authentication pattern could be interpreted as the pattern made up of the current call, or a plurality of communication attempts." (Answer at 9.) This interpretation is indeed broad but it is unreasonable. It completely writes the word "authentication" out of the claim. Authentication cannot be reasonably be interpreted as any type of attempt to make a call, as suggested by the Examiner. Moreover, the antecedent context of "historical authentication pattern" refers to the authentication that is conditionally performed in claim 1, which includes conditionally obtaining an indicia of physical identification from the user. Accordingly, claim 2 (as well as claims 21 and 40) require this physical authentication as context, and a historical pattern refers to a user's history of authentication as set forth in the independent claims.

Because the foregoing positions remain unchallenged by the Examiner, they should be assumed to be correct.

PEREIRA MERELY TEACHES CONTROLLING ACCESS BY OUTSIDERS (E.G. USERS FROM OTHER COMPANIES) TO ONE COMPANY'S EXTRANET

Contrary to the claimed invention, that explicitly requires allowing a plurality of companies to control when and how authentication is required for accessing their respective on-line resources, Pereira merely describes how one company can control access to its own Extranet.

Webopedia defines an Extranet as (emphasis added):

A buzzword that refers to an intranet that is partially accessible to authorized outsiders. Whereas an intranet resides behind a firewall and is accessible only to people who are members of the same company or organization, an extranet provides various levels of accessibility to outsiders. You can access an extranet only if you have a valid username and password, and your identity determines which parts of the extranet you can view.

In other words, as is well understood in the art, a conventional Extranet as described by Pereira merely allows one company or organization to extend access to its resources by outsiders (e.g. users from other companies), in addition to its own members. There is simply no explicit or inherent teaching or suggestion in Pereira whatsoever about controlling access to on-line resources of a plurality of companies, as is required by the claimed invention.

CONCLUSION

For the foregoing reasons, Appellants respectfully request that all the pending claims be deemed allowable by this honorable Board.

Respectfully submitted,
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Date: February 6, 2007



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